

REMARKS

Applicants gratefully acknowledge the Examiner's statement that the prior rejections over USP 6,217,563 to Van Gompel in view of USP 6,720,471 to Arndt (and others) have been "fully considered and are persuasive," such that the "rejections have been withdrawn" (Office Action at 2). In the Office Action mailed August 23, 2007, the Examiner now has rejected claims 1-23 under 35 USC 103 as being obvious over Van Gompel in view of U.S. Patent No. 6,437,214 to Everett. Applicants respectfully submit that Everett exhibits at least the same deficiencies as Arndt. Accordingly, under the Examiner's own reasoning, the present rejections also should be withdrawn, as further explained below.

Claims 1-23:

Independent claim 1 recites that "at least 70% of said second length [defined between first and second longitudinally spaced boundaries] is positioned between said centerline and said terminal front waist edge [of said body chassis], and wherein there is *no absorbent material disposed longitudinally outside of said retention region defined between said first and second boundaries.*" Claims 6, 11, 17 and 20 recite similar language. In addition, claims 1, 6, 17 and 20 each recite that the "second length is *less than or equal to 50 % of said first length*" defined between the terminal front and back waist edges of the body chassis. Applicants submit that the Examiner has failed to make out a *prima facie* case of obviousness for at least two reasons – (1) there is no reason that one of ordinary skill in the art would modify Van Gompel in view of Everett as asserted and (2) even if modified, not all of the recitations of the claims are disclosed (see MPEP 2143).

At the outset, Applicants note that the Examiner has acknowledged that "Van Gompel does not explicitly teach that said second length is less than or equal to 50% of said first length," or that "at least 70% of said second length is positioned between said centerline and said terminal front waist edge" (Office Action at 3). Instead, the

Examiner refers to Everett, and focuses on a “primary absorbent layer 48,” and an “intake, target area 52” (Office Action at 3), which is defined as the “retention region.”

Such an interpretation of Everett ignores the recitation in independent claims 1, 6, 11, 17 and 20 that “there is no absorbent material disposed longitudinally outside of said retention region defined between said first and second boundaries.” Everett expressly discloses that the absorbent core 30 has an “overall length 66,” which is defined by a second layer 50 (Everett at Col. 8, lines 18-50; Col. 14, line 24-30; Cols. 14-28 generally; FIGS. 1A-9). The second layer 50 is used to “efficiently distribute and move liquid out from the target area of the absorbent composite” and includes an absorbent material (Everett at Col. 9, line 57 to Col. 10, line 6; Cols. 14-28). Therefore, the “retention region” of Everett is not limited to the target area 52, since clearly the absorbent material of layer 50 extends longitudinally well beyond any boundaries of that area 52 (*see, e.g.*, Everett at FIGS. 1 and 1B).

Conversely, even a cursory review of Everett reveals that the overall length 66 of the absorbent material of layer 50, and the overall absorbent core, extends nearly the entire length of the overall garment, and is not close to being only 50% thereof as recited in claim 1 (Everett at FIGS. 1 and 1B). Similarly, the length of the absorbent material of layer 50 is not close to having 70% thereof positioned between a centerline and the terminal front waist edge of the garment. Rather, the overall *absorbent* length approaches 100% of the article length, and appears to be centered lengthwise about a laterally extending centerline! Accordingly, even if combined with Van Gompel, Everett does not supply the deficiencies thereof.

Applicants note that the Examiner already has stated that “Applicant’s arguments . . . filed November 21, 2006, with respect to the rejection(s) of claim(s) 1-23 under 35 U.S.C. 103 [in view of Van Gompel] have been fully considered and are *persuasive*” (February 16, 2007 Office Action at 2) (emphasis added). For at least the same reasons, the outstanding rejections over Van Gompel and Everett should be withdrawn. Moreover, even if combined, Van Gompel and Everett fail to disclose or

suggest all of the recitations of claims 1, 6, 11, 17 and 20, and the Examiner's rejections should be withdrawn for this additional reason.

Finally, Applicants submit that there is a teaching or suggestion in either of Van Gompel or Everett to shift the overall position of the absorbent core. Indeed, there simply is no room to shift the overall absorbent core 30 of Everett forward (*see* FIGS. 1 and 1B). Accordingly, Applicants respectfully submit that the Examiner's rejections should be withdrawn for this additional reason.

Conclusion:

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Respectfully Submitted,



Dated: November 21, 2007

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